



RECEIVED  
OCT 22 1997  
FEDERAL RESERVE

Jack H. Hackman  
Senior Vice President  
Chief Operating Officer

October 21, 1997

DOCKET FILE COPY ORIGINAL

Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Secretary:

Enclosed please find my comments regarding MM Docket No. 97-182. A total of ten copies are enclosed. The original and four copies to the commission plus five additional copies, one for each Commissioner.

Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jack H. Hackman", is written over the typed name.

Jack H. Hackman  
Goetz Broadcasting Corporation  
PO Box 630  
Marshfield, WI 54449

JH/srd

10/23/97  
MARSHFIELD  
WISCONSIN  
54449  
10/23/97  
JH  
10/23/97

049

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

DOCKET FILE COPY ORIGINAL  
RECEIVED  
JUL 29 1997  
FEDERAL BUREAU OF INVESTIGATION

In the Matter of )  
)  
Preemption of State and Local Zoning and ) MM Docket No. 97-182  
Land Use Restrictions on the Siting, )  
Placement and Construction of Broadcast )  
Station Transmission Facilities )

COMMENTS OF GOETZ BROADCASTING CORPORATION  
JACK H. HACKMAN, SENIOR V.P. & C.O.O.

Because of the difficulty in obtaining land for tower construction, which has become even more difficult in recent years, I feel it imperative that a change must be made. The current absence of federal preemption of local restrictions is causing havoc with the ability to obtain reasonable land for tower construction. I would like to cite two different occasions in which I was directly involved.

1) We received a grant for an FM construction permit in Oregon, Illinois on March 23, 1994. We immediately contacted the land owner who had originally agreed to lease the land, so that we could finalize the lease arrangement. He then informed us that he changed his mind and was no longer interested in leasing the land and that he did not want anything to do with the construction of a radio tower of any type or size. He would not discuss the land rental anymore with us.

We then immediately preceded to look for an alternate site. In the summer of

1994, we selected a tower site that was located in the industrial park in Mount Morris, Illinois. We had an option to purchase the land. FAA approval was obtained for the site. In October, 1994 we appeared before a committee of the Mount Morris council to obtain a variance of a city ordinance that prohibits a structure that exceeds a certain height. We originally were assured this would not be a problem. However, the request met with opposition and concerns. The committee then withheld action on the variance pending further research and considerations. The concern was that the radio tower would lower land values and cause interference within the industrial park area. The requested land had been unsold for years, and had no other apparent parties interested in the land. Shortly thereafter, the land owners who had urged us to buy the land at a price that we had agreed upon, contacted us about canceling the option. The land owners said they received pressure from some people regarding the sale of the land for a tower site. They also indicated that they were concerned that the balance of their land would lose value because of the tower and urged us to find a different location. We then began our search for still another site. In May of 1995, we selected our third different site, secured a long term lease and construction has since commenced. However, with each site we had additional substantial costs for engineering, legal and in some instances additional FCC fees. Each site change resulted in additional dollars, time and energy. And, the project was delayed for a lengthy period of time.

2) The second occasion involved an FM construction permit for Whitewater, Wisconsin. The applicant appeared before the Hebron, Wisconsin Town Board to obtain permission to erect a radio station tower for the Whitewater, Wisconsin

FM construction permit. A land lease option had been agreed upon with an option to buy. The township approved the construction request, despite some negative reaction from local residents. Between the time of this meeting, and the county zoning committee meeting, whose approval was also needed, the landowner was constantly harassed with phone calls 24 hours a day at his home. His children were harassed on the school bus going to and from school. The night before the county zoning committee meeting, the land owner called to say he could not take anymore of this treatment and was nullifying the agreement.

The applicant started to search for an alternate tower site. An area of land about a quarter of a mile east of the original site was available and was in the small window, in which the tower had to be built. It was only available on the agreement that the applicant purchase approximately 60 acres of land, although only five acres of land was needed. Approval was again needed from the Hebron town board. This time the opponents showed up in force and put on a very emotional display to stop the project. Studies on RF factor from the Soviet Union were presented. One woman brought her 9 month old baby and stated that she was appalled that the applicant wanted to harm her baby with a radio tower.

The construction permit application was denied by the town board.

Another plot of land was then pursued. However the land owner knew of the problems the applicant was having and set an unrealistic price of five times the cost of the original site. The land was in a swampy, waste area located two miles from the road. The land owner said "take it or leave it". The price and the cost to reach the site made it prohibitive to proceed.

The applicant then began negotiations to rent space on a Fort Atkinson radio

station's tower. The tower never was built!!! The station is now being erected on the AM station's tower, but only at the two hundred foot level and is now a directional FM. Its coverage area has been drastically reduced, thus serving far fewer people than originally intended. Substantial extra dollars were spent for legal and engineering costs as well as additional FCC fees. The project was delayed for over two years. Because of these problems, I request your support for the preemption of certain state/local restrictions on the placement, construction and modification of broadcast transmission facilities.

Sincerely,



Jack H. Hackman  
Senior V.P. & C.O.O.  
Goetz Broadcasting Corporation  
P.O. Box 630  
Marshfield, WI 54449 - 0630